

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
Northern Division**

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CONSUMER FINANCIAL PROTECTION BUREAU,

Plaintiff,

Case No. 3:16-cv-356-WHB-JCG

v.

ALL AMERICAN CHECK CASHING, INC.;  
MID-STATE FINANCE, INC.; and  
MICHAEL E. GRAY, individually,

ORAL ARGUMENT REQUESTED

Defendants.

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**DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS**

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Defendants All American Check Cashing, Inc., Mid-State Finance, Inc., and Michael E. Gray (collectively, "All American") respectfully move the Court to grant them judgment on the pleadings.

1. On May 11, 2016, the Consumer Financial Protection Bureau ("CFPB") brought an enforcement action against All American for allegedly engaging in "unfair," "deceptive," and "abusive" practices in violation of 12 U.S.C. §§ 5531 and 5536. *See* Compl., Dkt. 1.

2. Judgment on the pleadings is warranted because (1) the CFPB's structure violates the Constitution; (2) this enforcement action violates All American's right to fair notice of prohibited conduct; (3) Section 5531 violates the non-delegation doctrine; and (4) the CFPB's interpretation of its authority under Sections 5531 and 5536 is overbroad and violates principles of federalism.

For these reasons, and those enumerated in the attached memorandum in support of this motion, All American respectfully requests that the Court grant judgment on the pleadings. All American respectfully requests oral argument on this motion.

Dated: May 24, 2017

Respectfully submitted,

/s/ Helgi C. Walker

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served via the Court's ECF system on the following counsel of record on May 24, 2017:

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